

EXHIBIT 5

JONES DAY

51 LOUISIANA AVENUE, N.W. • WASHINGTON, D.C. 20001-2113
TELEPHONE: 202-879-3939 • FACSIMILE: 202-626-1700

Direct Number: (202) 879-3734
christophercook@jonesday.com

October 10, 2006

VIA E-MAIL

Mark.Lavine@usdoj.gov

Mark A. Lavine
Assistant U.S. Attorney
U.S. Attorney's Office
99 N.E. 4th Street
Miami, FL 33131

Re: U.S. ex rel. Ven-a-Care of the Florida Keys Inc. v. Abbott Laboratories,
MDL No. 1456/Civil Action No. 01-12257-PBS

Dear Mr. Lavine:

I am in receipt of your letter dated October 5, 2006, in which you state that you were "informed today that it is Abbott's position that documents produced in discovery to other parties in the MDL may not be shared by those parties with the United States." You ask me whether this is Abbott's position.

As best I recall, you and I did not discuss this issue in our telephone call on October 4, so I assume you are referring to a conversation you had with someone else. Please advise me who communicated Abbott's purported position to you and the nature of the documents to which you seek access so that I can respond appropriately to your inquiry.

Very truly yours,



R. Christopher Cook